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**2006 / 1427**

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كلية الدراسات العليا

قسم: العدالة الجنائية

نموذج رقم (٢٦)

تخصص: التشريع الجنائي الإسلامي

ملخص رسالة ☒ ماجستير ☐ دكتوراه

عنوان الرسالة: جريمة الردة وحقوق الإنسان ( دراسة تأصيلية مقارنة بالمواثيق الدولية )

إعداد الطالب: فالح بن سالم بن بطي السحمة القحطاني

إشراف: الأستاذ الدكتور / علي محمد حسنين حماد

لجنة مناقشة الرسالة:

مشرفاً ومقررأ

١- أ.د. علي محمد حسنين حماد

عضواً

٢- أ.د. محمد بن يحيى النجيمي

عضواً

٣- د. عبداللطيف بن سعيد الغامدي

٤- .....

تاريخ المناقشة: ١٤٢٧/٤/٢٦ هـ الموافق : ٢٠٠٦/٥/٢٤ م .

مشكلة البحث: الإسلام يعاقب بعقوبة حد الردة لأنه يرفض بشدة أن يتخذ البعض من الدين الإسلامي لعباً وهزواً يدخله اليوم ليخرج منه غداً ، فهل هذا الموقف من الإسلام يتنافى مع حرية العقيدة ، ومع حقوق الإنسان كما هو مطروح اليوم بشدة على الساحة الدولية ، وماهي تحفظات المملكة العربية السعودية على المواثيق الدولية لحقوق الإنسان من حرية العقيدة ؟ .

أهمية البحث: تتضح أهمية البحث لاتصاله بحق الإنسان في حرية العقيدة ، ولدرء الشبهات وتفنيد الطعون والمزاعم التي أُلصقت بالشرعية الإسلامية في احترامها لحقوق الإنسان ومنها حقه في حرية العقيدة.

## أهداف البحث :

- ١- توضيح مفهوم حق الإنسان في حرية العقيدة في الشريعة الإسلامية والمواثيق الدولية.
- ٢- المقارنة بين حرية العقيدة في مواثيق حقوق الإنسان الإسلامية ، وبين حرية المعتقد في المواثيق الدولية لحقوق الإنسان .
- ٣- التعريف بأركان جريمة الردة في الشريعة الإسلامية .
- ٤- نفي تهمة أن الشريعة الإسلامية لا تحترم الحقوق الإنسانية ومنها حق الإنسان في حرية العقيدة .
- ٥- رصد بعض تطبيقات حد الردة في العصر الحديث .

## فروض البحث/تساؤلاته :

- ١- ما مفهوم حق الإنسان في حرية العقيدة في الشريعة الإسلامية والمواثيق الدولية ؟
- ٢- ما سبب الاختلاف بين حرية العقيدة في مواثيق حقوق الإنسان الإسلامية ، وبين حرية المعتقد في المواثيق الدولية لحقوق الإنسان ؟
- ٣- ما أركان جريمة الردة في الشريعة الإسلامية ؟
- ٤- ما التهم والمزاعم التي رميت بها الشريعة الإسلامية من قبل أعداء الدين الإسلامي بزعمهم إن الشريعة الإسلامية لا تحترم الحقوق الإنسانية ومنها حق الإنسان في حرية العقيدة ؟
- ٥- ما أهم تطبيقات حد الردة في العصر الحديث ؟

## منهج البحث :

اتبعت في هذه الرسالة المنهج الاستقرائي التحليلي المقارن ، إذ تناولت أحكام الشريعة الإسلامية المتعلقة بموضوع البحث ، والنظام الأساسي للحكم في المملكة العربية السعودية ، ومواثيق حقوق الإنسان الإسلامية ، والمقارنة مع الإعلانات والاتفاقيات والمواثيق الدولية لحقوق الإنسان ، فيما يتعلق بحرية العقيدة ، ومنهج دراسة الحالة لمعالجة قضايا تطبيقية لجريمة الردة في العالم الإسلامي .

## أهم النتائج :

- ١- كفالة الإسلام لحقوق الإنسان منذ أربعة عشر قرناً ، ومن هذه الحقوق حق الإنسان في حرية معتقده .
- ٢- احترام الرسول ﷺ وأصحابه الكرام " رضوان الله عليهم أجمعين " لأصحاب الديانات الأخرى .
- ٣- عقوبة جريمة الردة حداً وليس تعزيراً .
- ٤- عدم الاتفاق بين الدول على مضمون واحد لحقوق الإنسان يحظى بالقبول بين كل دول العالم .
- ٥- إشادة علماء الغرب برعاية حقوق الإنسان في المملكة العربية السعودية .
- ٦- البهائية والقاديانية من الفرق الضالة المنحرفة ، وليست من الأديان المعترف بها ، ومن يدين بها يعتبر مرتدداً .

بسم الله الرحمن الرحيم  
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College of Graduate Studies

نموذج رقم (٢٧)

Department: Criminal Justice

Specialization: Islamic Criminal Legislation

THESIS ABSTRACT ☒ MA ☐ PH.D

Thesis Title: Apostasy Crime and Human rights (originality  
Comparison study with the International Convention).

Prepared by: Faleh Bin Salem Bin Batti Al-Qahtani

Supervisor: Prof. Dr. Ali Mohammed Hassanin Hammad

Thesis Defence Committee:

- |   |                                   |
|---|-----------------------------------|
| 1- Prof. Dr. Ali Mohammad Hassanin Hammad | -Supervisor and Decision<br>Maker |
| 2- Prof. Dr. Mohammed Bin Yahya Al Najemi | - Member                          |
| 3- Dr. Abdulatif Saeed Al- Ghamdi         | - Member                          |

Date of the Discussion: 26/4/1427H corresponding with 24/5/2006 G.

**Research Problem:** Islam is punishing with apostasy penalty "punishment" because it rejects severely anyone takes Islamic religion as a kind of Joker a play game to enter is one day and leaving it in another day and so on. So, is this situation in Islamic contradicting with the freedom of belief or Human rights as what is appeared nowadays regarding this matter internationally and what are the K.S.A. cautions towards. Human rights conventions related to the freedom of be life."

**Research Importance:** The research shows the importance of Human rights in respect with faith freedom for the purpose of avoiding suspicions, removing allegations which were adhered to Islamic law regarding its respect to Human rights including the right in Freedom of belief.

**Research Objectives:**

- 1- Declaring the human right concept in faith freedom in Islamic law and International Conventions.
- 2- Comparing between freedom of belief in Islamic human rights and in International Conventions for human rights.
- 3- Defining apostasy crime elements in Islamic law.
- 4- Rejecting the accusation that the Islamic law doesn't respect the human rights including this freedom of the belief.
- 5- Mentioning some of apostasy punishments applications recently.

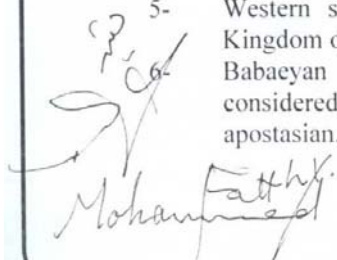
**Research Hypotheses / Questions:**

- 1- What is the human right concept in the freedom of belief in both of Islamic law and International conventions?
- 2- What is the reason beyond the difference between the freedom of belief in both of Islamic human rights and International Conventions for human rights?
- 3- What are the apostasy crime elements in the Islamic law?
- 4- What are the accusations and allegations which were adhered to Islamic law by Islamic religion enemies including not respecting the human rights which includes the freedom of belief?
- 5- What are the most important applications in apostasy punishment presently?

**Research Methodology:** The research followed the analytical comparative reading methodology where the research focuses on Islamic law judgments which are relate to the research study, basic system for governing in the Kingdom of Saudi Arabia, Islamic Human Rights Conventions, Comparing with the announcements or declarations and International Conventions for human rights namely in respect with Freedom of belief and the methodology of the case study for treating applied cases for apostasy crime in the Islamic world.

**Main Results:**

- 1- Islamic sponsorship for human rights since 14<sup>th</sup> Century including freedom of belief.
- 2 Respecting the Messenger (pbuh) and his esteemed companies for other religions.
- 3- Apostasy crime punishment is extremity and not tormenting.
- 4- There is no consensus among countries about one concept for the human rights.
- 5- Western scientists appreciation about the care of human rights in the Kingdom of Saudi Arabia.
- 6- Babaeyan and Cuadianian are belonged to the biased teams and not considered as a recognized religion and anyone believe it, will be considered apostasian.

  
Mohan Fathy

  
Dr. Ali Al-Sayid

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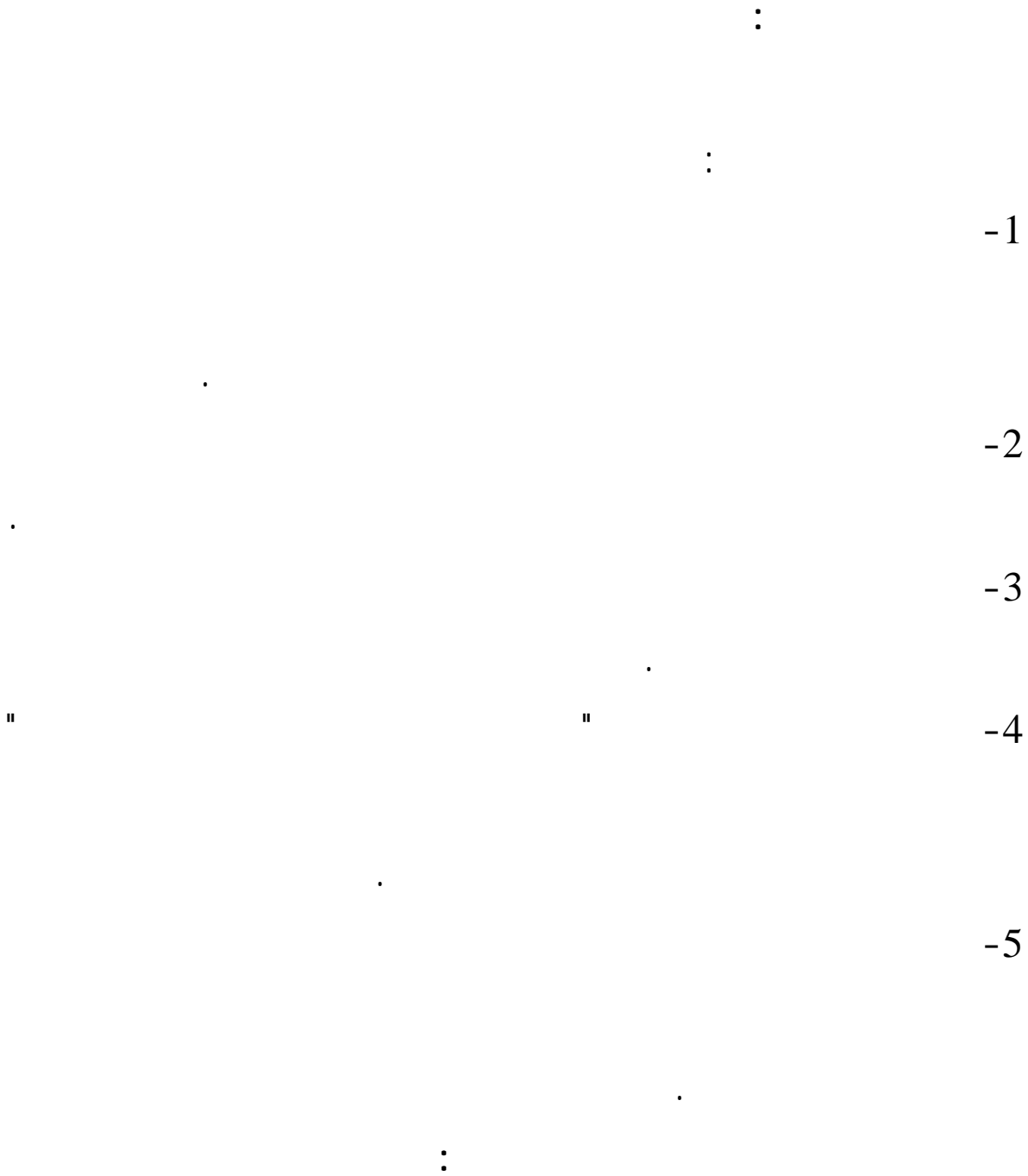
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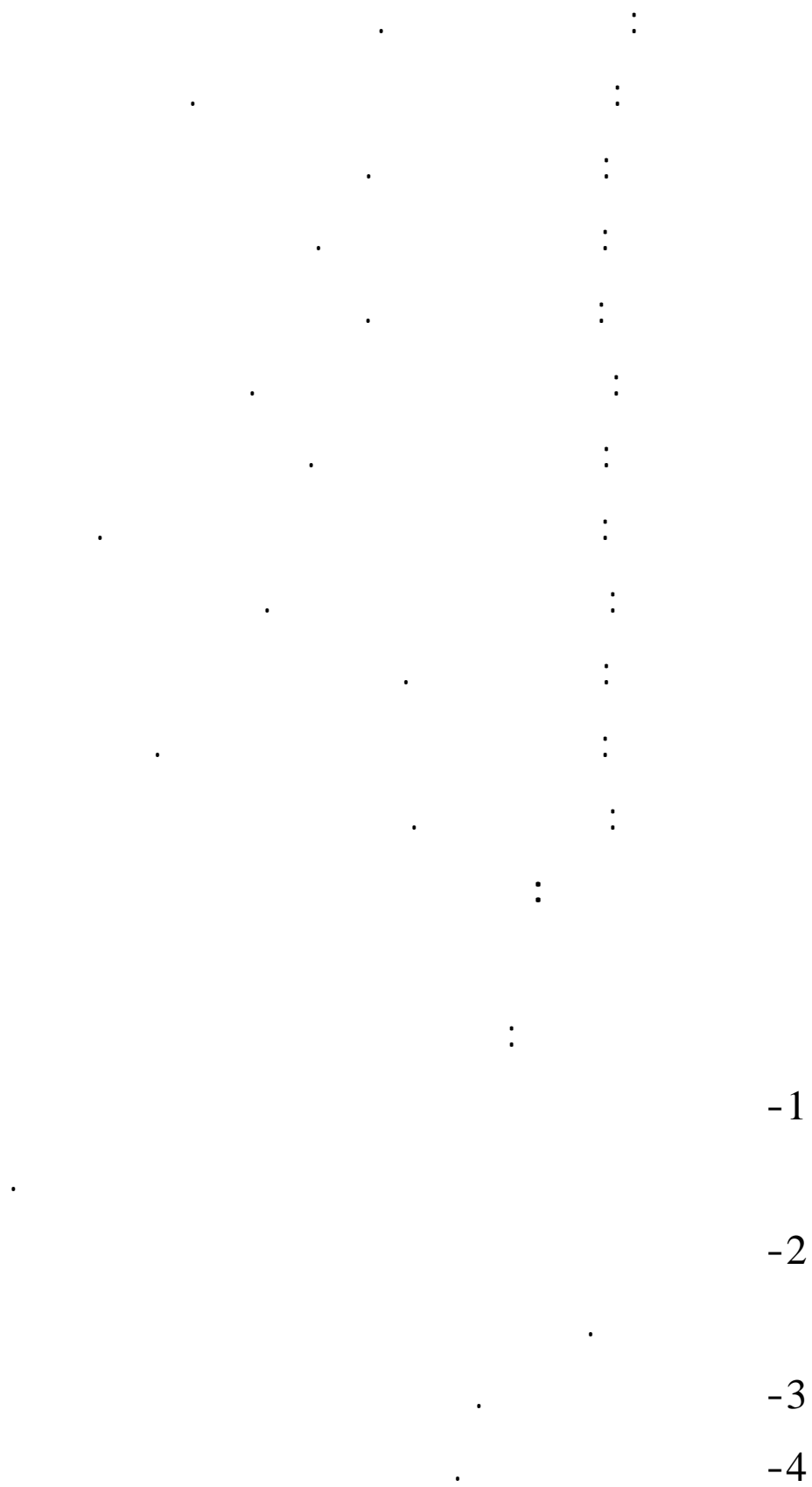
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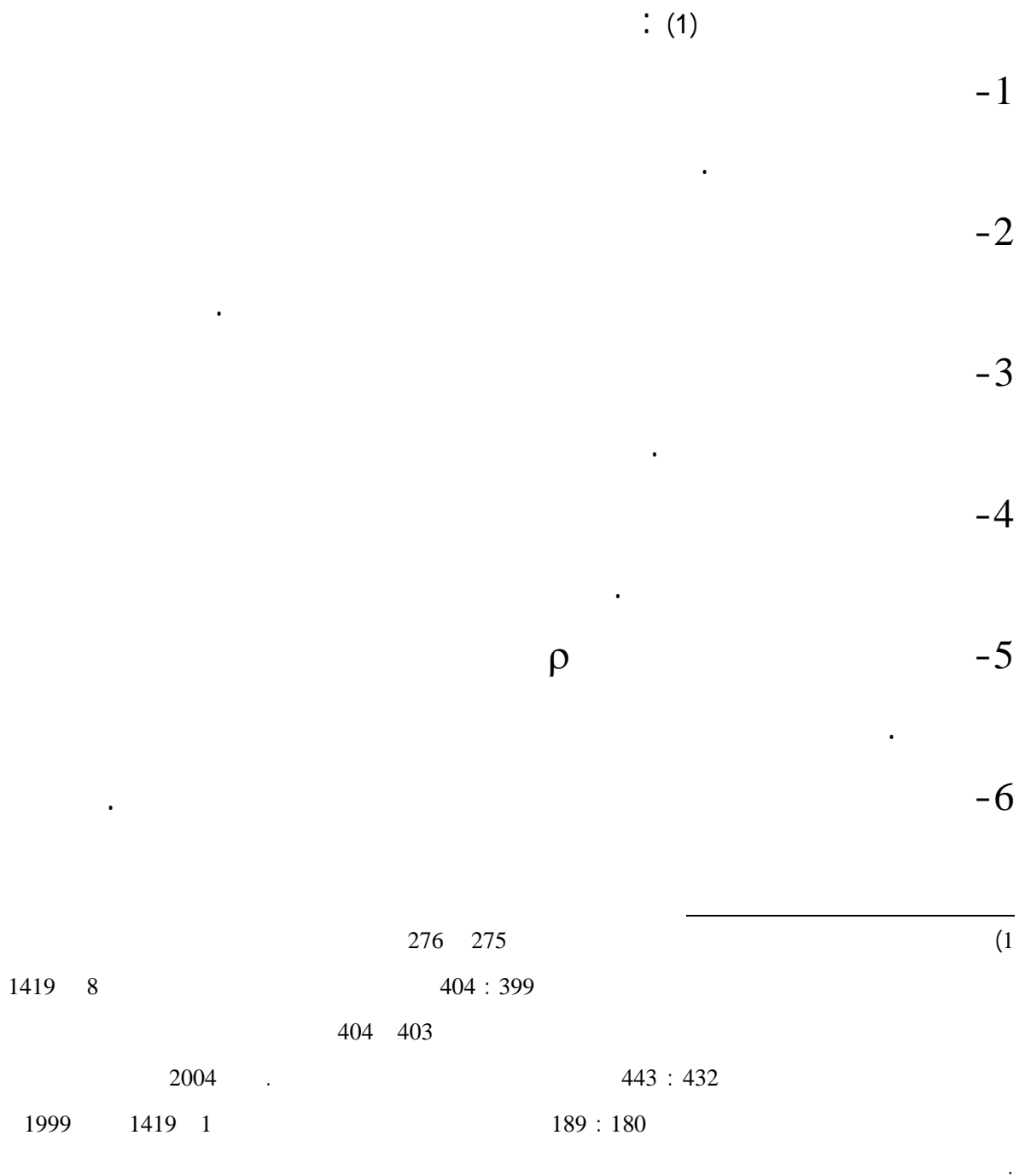
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